

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF FEBRUARY 3, 2004.

ATTENDANCE

COUNCIL: Randy Menard (Chair - District 9), Rob Stevenson (Vice Chair - District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Monica Fontenot (Administrative Assistant)

ADMINISTRATIVE STAFF: L.J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Pat Ottinger (City-Parish Attorney), Gail Smith (Director of Administrative Services), Chief Robert Benoit (Fire Department), Chief Ronnie Boudreaux (Police Department), Becky Lalumia (Director of Finance & Management), Melanie Lewis (Director of Community Development), Tony Tramel (Director of Traffic & Transportation), Tom Carroll (Interim Director of Public Works), Eleanor Bouy (Interim Director of Planning, Zoning & Codes), Gerald Boudreaux (Director of Parks & Recreation)

COMMENCEMENT

(TAPE 1)(SIDE B)(001)AGENDA ITEM NO. 1: Call to order.

Chair Randy Menard called the Regular Council Meeting of February 3, 2004 to order.

(TAPE 1)(SIDE B)(003)AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Bruce Conque was called upon to deliver the invocation and lead the Pledge of Allegiance.

(TAPE 1)(SIDE B)(025)AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT'S REPORT**
None was given.

(TAPE 1)(SIDE B)(027)AGENDA ITEM NO. 4: **COUNCIL ANNOUNCEMENTS**
None.

Chair Menard announced there would be a Special LPUA and Special Council meeting immediately following the adjournment of this meeting.

RESOLUTIONS

(TAPE 1)(SIDE B)(029)AGENDA ITEM NO. 5: **R-006-2004** A resolution of the Lafayette City-Parish Council declaring the intention to issue in the name of the City of Lafayette, State of Louisiana (the "City"), utilities revenue bonds, in an amount not to exceed two hundred million dollars (\$200,000,000) for the purpose of acquiring and constructing extensions and improvements to the utilities system of the city, including the necessary equipment and furnishings therefor funding a reserve for the payment of the bonds, and paying the costs of issuance thereof; generally describing said bonds and the security therefor; authorizing the newspaper publication of a notice of such intention setting forth a date and time when said governing authority will meet in open and public session to hear any objections to the proposed issuance of such bonds; providing for the filing of a petition by a certain percentage of the electors of the city objecting to the issuance of the proposed bonds unless an election is held on the question of the issuance thereof; applying to the State Bond Commission for the approval of the contents of the proposed notice of intention and for the issuance of the bonds; and providing for other matters in connection therewith. A motion to approve by Benjamin, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

RECUSED: None

Motion was approved.

The following person was recognized:

Lewis Kellogg expressed his concerns regarding the use of bond money. He felt that the citizens have to vote on this issue but have no participation as to what the money will be used for.

Upon questioning by Broussard, Jerry Osborne, Foley & Judell, explained the resolution is to declare the intention to borrow money for the proprietary elements of government, which are the water, sewer and electrical. Other utility agencies do not request the ratepayers to vote on the issuance of bonds. Therefore, the Council, as the Board of Directors of this proprietary function of government, would appropriately hold a public hearing to authorize this particular debt and receive the input of the voters through hearings or petitions. In order to conduct a public hearing, permission needs to be granted by the State Bond Commission. The subject resolution does not authorize the issuance of any bonds.

Andrew Duhon explained the \$200 million bond issuance includes other projects such as wastewater capital improvement projects, water projects as well as the generating unit project. The projects are included in the 5-year capital plan approved for budget year 2003-2004.

(TAPE 1)(SIDE B)(189)AGENDA ITEM NO. 6: R-007-2004 A resolution of the Lafayette City-Parish Council making application to the State Bond Commission for consent and authority to issue, sell and deliver not exceeding \$3,500,000 of Public Improvement Sales Tax Refunding Bonds, of the City of Lafayette, State of Louisiana, all in the manner provided for by Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto and providing for other matters in connection therewith. A motion to approve by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

RECUSED: None

Motion was approved.

EXECUTIVE SESSION

(TAPE 1)(SIDE B)(204)AGENDA ITEM NO. 7: A request has been received from the Administration for an executive session to discuss the following:

- a. Larry M. Bailey, et al vs City of Lafayette Docket No. 99-1343-D
consolidated with
William James Picard, et al vs City of Lafayette, et al Docket No. 99-1688
consolidated with
Michael J. Rose, et al vs Lafayette Consolidated Government, et al Docket No. 99-1543
consolidated with
Phillip Vaughn Burris, et al vs City of Lafayette, et al Docket No. 2000-5288
consolidated with
Nugier Perrodin, et al vs Lafayette Parish Consolidated Government, et al Docket No. 2000-0526 A, 15th Judicial District Court, Lafayette Parish, Louisiana
- b. Lafayette City-Parish Government and LUS vs Entergy Gulf States, Inc. & Entergy Corporation, 15th, Judicial District Court, Lafayette Parish, Louisiana, Docket # 0099-4490 J

A motion to go into executive session was offered by Bourgeois, seconded by Broussard and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

RECUSED: None

The motion to go into executive session was unanimously approved. The Council retired into executive session at 5:55 p.m.

A motion to come out of executive session was offered by Williams, seconded by Conque and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

RECUSED: None

The motion to come out of executive session was unanimously approved. The Council returned from executive session at 6:45 p.m.

ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE B)(239)AGENDA ITEM NO. 8: O-003-2004 An ordinance of the Lafayette City-Parish Council providing for the abandonment of portions of the public alley in Block 2 of McComb Addition. A motion to approve as amended by Williams, seconded by Badeaux, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

RECUSED: None

Motion was approved as amended.

Stevenson commented that the companion ordinance was amended during the LPUA meeting and explained what the amendments were.

Stevenson offered the following amendments which were accepted by maker and second:

1. Delete all references to **“and Block 3”**
2. At the end of Section 2 add the following language: **The right of public alley herein abandoned shall be reestablished at such time as the property adjacent thereto is no longer used as a U.S. Bankruptcy Court. Lafayette City-Parish Consolidated Government shall be absolved of liability during the period of the abandonment.**

He continued by explaining the building would be used to house the U.S. Bankruptcy Court and there are many security concerns due to the location of the building as well as which area the judge will be housed. Should the bankruptcy court vacate the building the alley will revert back to the city.

The following person was recognized:

Donald Broussard wanted to ensure that in the event that abandonment were to be reversed, that the liability would fall back onto the city. Menard did not foresee any complications with that occurring.

(TAPE 1)(SIDE B)(360) AGENDA ITEM NO. 9: O-014-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the adjustment of the manning tables and corresponding budgetary account within the Department of Public Works Director’s Office to delete the position of “Assistant Director of Public Works.” A motion to approve by Benjamin, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

RECUSED: None

Motion was approved.

Williams stated that due to the shortage in the maintenance of the city & unincorporated areas of the parish, the savings would be approximately \$68,000.00. He questioned if the Administration had any plans to assist in improving in other areas that have a shortage of personnel. Stanley responded that the concerns expressed by numerous Councilmembers was to ensure that the rural area be provided for in the way of responding to constituent concerns. The Administration was also concerned that the distribution of work duties would not pose a conflict with civil service employees. Interim Public Works Director Tom Carroll assured him that he felt confident his staff would be able to handle individual duties as well as the engineers being receptive to concerns by Councilmembers regarding constituency in the rural areas.

(TAPE 1)(SIDE B)(455)AGENDA ITEM NO. 10: O-015-2004 An ordinance of the Lafayette City-Parish Council requesting that the State Mineral Board lease a tract of land in which the Lafayette City-Parish Consolidated Government owns roads, streets, and highways lying in the north half of Section 31, Township 9 South, Range 4 East, Lafayette Parish, Louisiana for the development and production of minerals, oil and gas in accordance with Louisiana Revised Statutes 30:124, et. seq. (south of Old Spanish Trail and north of Dulles Drive) A motion to approve by Badeaux, seconded by Stevenson, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: None
RECUSED: None
Motion was approved.

Stevenson wanted to ensure that the subject ordinance is a lease and does not allow for seismic testing. Ottinger confirmed the lease is strictly for exploration and production of mineral.

(TAPE 1)(SIDE B)(491)AGENDA ITEM NO. 11: O-016-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the transfer of \$72,731.00 of Workforce Investment Act (WIA) Title I-B Dislocated Worker Funds to the Workforce Investment Act (WIA) Title I-B Adult Funds, and appropriating same within the Workforce Development Division budget, Department of Community Development. A motion to approve by Mouton, seconded by Badeaux, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: None
RECUSED: None
Motion was approved.

(TAPE 1)(SIDE B)(511)AGENDA ITEM NO. 12: O-017-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the increase of revenues in the amount of \$50,000 received from the North American Wetlands Conservation Act Small Grant award through the U.S. Fish and Wildlife Services and recognizing \$50,000 in match funds from the Nature Station land acquisition account in the Community Development Arts and Culture Administration Division and appropriating within the Community Development Department. A motion to approve by Mouton, seconded by Stevenson, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: None
RECUSED: None
Motion was approved.

CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS

(TAPE 1)(SIDE B)(550)AGENDA ITEM NO. 13: Appointment of **James Ziler** to the Civil Service Board for a four year term effective February 7, 2004 (from three nominees submitted by LSU).

A motion to appoint James Ziler was offered by Mouton, seconded by Benjamin and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: None
RECUSED: None
Motion was approved.

The motion to appoint **Mr. James Ziler** to the Civil Service Board was approved.

(TAPE 1)(SIDE B)(568)AGENDA ITEM NO. 14: Appointment of **Mike Day** to the Industrial Development Board for a six year term effective January 20, 2004.

A motion to appoint Mike Day was offered by Benjamin, seconded by Bourgeois and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: None
RECUSED: None
Motion was approved.

The motion to appoint **Mr. Mike Day** to the Industrial Development Board was approved.

(TAPE 1)(SIDE B)(580)AGENDA ITEM NO. 15: Appointment(s) by Council member(s) and/or City-Parish President and/or Area Mayors, and/or any other direct appointing authority.

<u>Appointing Authority</u>	<u>Appointee Name And Address</u>	<u>Board, Commission And/or Legal Agency</u>	<u>Term</u>	<u>Effective Date</u>
C-P President	Rob Robison, IV 300 Dunreath Lafayette, LA 70501	Lafayette Convention & Visitors Commission	4 years	12/31/2003
District 4	Charles Goodie 3142 S. Fieldspan Duson, LA 70529	Board of Codes & Flood Plain Adjustment	4 years	12/31/2003
District 2	James A. Hebert 111 Mallard Drive Lafayette, LA 70507	Citizen’s Advisory Commission	to fill unexpired till 9/17/2004	2/03/2004

(TAPE 1)(SIDE B)(595)AGENDA ITEM NOS. 16-25: A motion was offered by Benjamin, seconded by Stevenson, to approve for introduction the following ordinances, in-globo except Item # 21, Ordinance No. 023-2004 which was voted on separately and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: None
RECUSED: None
Motion was approved.

INTRODUCTORY ORDINANCES - ZONING

- 16. O-018-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Richard Dale Veron and Cathy Carnahan Veron, Case No. Z2004-001 Richard Veron property rezoning, located generally north of Rena Drive and Academy Drive and west of Ayreshire Drive from Aspecial@ zoning established by a 1965 court order to R-1-B (Single-Family Residential) and B-N (Neighborhood Business).
- 17. O-019-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Michael E. Cullen Case No. Z2003-019 Cullen property rezoning, located generally north of St. Julien Avenue, west of Johnston Street, from R-1-B (Single-Family Residential) to B-N(c) (Neighborhood Business - Conditional).

INTRODUCTORY ORDINANCES

- 18. O-020-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government to allocate interest revenues and adjust reserves of the Parish General Obligation Bonds.
- 19. O-021-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 Operating Budget of the Lafayette City-Parish Consolidated Government by transferring \$4,660 from Reserve-Project Contingencies to Ambassador Caffery @ Ridge Road Project within the Department of Public Works for additional funding needed to facilitate closing Fund 416.

20. O-022-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$98,160 from Martial Avenue Turn Lanes Project to Reserve - Streets.
22. O-024-2004 An ordinance of the Lafayette City-Parish Council authorizing the expropriation of assets and customers of Entergy in areas annexed or to be annexed by the City of Lafayette.
23. O-025-2004 An ordinance of the Lafayette City-Parish Council authorizing the expropriation of the below referenced and described electrical distribution system, assets and/or facilities, and customers of Entergy.
24. O-026-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government to appropriate additional funds for Langlinais Road drainage project.
25. O-027-2004 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a utility easement on Lots 2, 3, 4 and 5 of Garden Heights Subdivision, having a municipal address of 836 Chemin Metairie.

(TAPE 2)(SIDE A)(006)

A motion was offered by Williams, seconded by Stevenson, to approve for introduction the following ordinance separately and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

RECUSED: None

Motion was approved.

21. O-023-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the transfer of funds within the Community Development Department from Contingencies - Reserve Accounts to various sub-recipients.

Williams explained his request to pull this item out of sequence was to request that the Administration to be prepared to discuss the process and what direction LCG is headed toward as it relates to the comprehensive plan, particularly relating to housing needs in the parish. Broussard referenced the attached list and requested a breakdown of those who were new agencies new to funding requests and who has received funding in the past.

At this time, Chair Menard announced that there would be special meetings of the LPUA and Regular Council immediately following this meeting.

(TAPE 2)(SIDE A)(096)AGENDA ITEM NO. 26: Comments from the public concerning the above Introductory Ordinances.

No speakers.

ADJOURN

There being no further business to come before the Council, Chair Menard declared the regular Council meeting adjourned.

Norma A. Dugas
Clerk of the Council